

Deputy Directive

Number: DD-91

*Refer to
Director's Policy:* DP-28
Title VI of the Civil Rights
Act of 1964 and Related
Statutes

Effective Date: February 2007

Supersedes: NEW

TITLE Limited English Proficiency (LEP) and Bilingual Services

POLICY

The California Department of Transportation (Department) is responsible for ensuring that all persons, including non-English speaking - or limited English proficient persons (both herein described as LEP individuals), have equal access to its services and information. The Department is committed to ensuring its programs and services are accessible to LEP individuals in compliance with federal and State requirements. This directive consists of providing resources, such as bilingual interpreters and translated materials to assure information and services are readily available in the languages clearly understood by Department customers.

DEFINITION/BACKGROUND

Limited English Proficiency - The inability to speak, read, write, or understand the English language at a level that permits effective communication with Department employees.

Sufficient number of qualified bilingual employees – The number of qualified bilingual persons required to provide the same level of services to LEP individuals as is available to English speaking persons seeking such services.

Substantial number of non-or limited English speaking people – Members of a group who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise five percent or more of the people served by any local office or facility of a State agency.

Vital documents – Documents that convey information that critically affects the ability of the customer, an individual, to make decisions about his/her participation in the program.

Title VI of Civil Rights Act of 1964 - 42 U.S.C. 2000, provides in Section 601 that “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or

be subjected to discrimination under any program or activity receiving federal financial assistance.”

Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency, August 2000” - This Executive Order is directed at implementing the protections afforded by Title VI of the Civil Rights Act of 1964 and related regulations. Accordingly, it prohibits recipients of federal financial assistance from discriminating based on national origin by failing to provide meaningful access to services to individuals who are LEP. This protection requires that LEP individuals be provided an equal opportunity to benefit from or have access to services that are normally provided in English.

Dymally-Alatorre Bilingual Services Act of 1973 - Government Code Sections 7290-7299.8, requires all State departments involved in furnishing information or rendering services to the public, whereby contact is made with a substantial number of LEP individuals, shall employ a sufficient number of qualified bilingual persons in public contact positions to ensure information and services are provided in the languages of the LEP individuals.

RESPONSIBILITIES

Deputy Director for Civil Rights:

- Ensures the Title VI Program provides quality technical assistance to Program Area Administrators and District Title VI Liaisons and ensures all identified public contact staff receive training regarding appropriate procedures for providing services to LEP individuals.
- Ensures an effective procedure is in place to accommodate LEP individuals with interpreters or translated materials to quickly resolve their complaints.

Deputy Director for Administration:

- Oversees the Department’s Bilingual Services Program and Bilingual Implementation Plan in accordance with the Dymally-Alatorre Bilingual Services Act.
- Ensures the Department’s Biennial Language Survey is properly administered.

Title VI Coordinator and staff:

- Oversee the LEP Program.
- Ensure Program Area Administrators and District Title VI Liaisons are provided technical assistance and receive training regarding LEP requirements.
- Conduct compliance reviews of the Department’s divisions and districts LEP programs.

Chief, Office of Equal Opportunity:

- Ensures all formal Title VI discrimination complaints are processed and investigated in accordance with the Investigation Plan processes and procedures.

Deputy Directors, District Directors, Chief and Deputy District Directors, Division Chiefs, Managers, and Supervisors:

- Develop criteria for deciding which documents are vital thereby subject to translation.
- Ensure vital documents are translated in languages other than English.
- Develop and implement monitoring mechanisms to ensure ongoing compliance.
- Annually monitor and evaluate access to language assistance within their respective divisions/districts to ensure LEP requirements are fulfilled.
- Ensure LEP activities are reported in the Title VI Annual Accomplishments and Goals report.
- Ensure staff participate in the Department's Biennial Language Survey.
- Contract with qualified and certified interpreter or translation services for their respective divisions or districts, as needed.

Public Contact Employees:

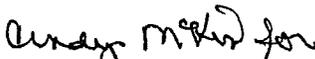
- Provide effective telephone and face-to-face communication for non-or LEP individuals.
- Participate in the Department's Biennial Language Survey.

Employees:

- Ensure the public is treated with dignity and respect; identify the language needs of the Department's customers; and utilize available bilingual resources to assist customers, when needed.

APPLICABILITY

All departmental employees.



RANDELL H. IWASAKI
Chief Deputy Director

02/14/07

Date Signed